

"against popery and transubstantiation; and that a committee be appointed to wait upon his excellency the lieutenant governor, and communicate to him that determination of the house."

This resolution was preceded by a debate in the early part of which Mr. Ritchie, said that 'it was a case of much importance, he thought at all events, if the King authorised an alteration in the constitution under which the legislature was assembled, *that the house should first assent to such an alteration.* They were all agreed as respected the principle, and, for his part, he would cheerfully agree to a bill such as had passed unanimously during the last session,* but he would not give his assent to a measure partial in its object, and partial in its operation. Such a measure as was now proposed "(the resolution then before the house, referring only to the case of Mr Kavanagh,)" would not be treating persons of the same persuasion residing in other parts of the province with equal justice. He represented a large body of Roman Catholics, who possessed the same rights and privileges, and it was his duty to take care that they enjoyed them. He then referred to a case which had been argued before Lord Mansfield, who was a high prerogative man, but who had decided that *after the King had given to a colony a constitution, he had given up his right to make laws for that particular colony.* In that case Grenada was a conquered island, and the king possessed a right to give to its inhabitants such laws as he thought proper. He accordingly issued a proclamation promising to them a constitution, and a commission passed under the great seal, directing the governor of that island to call an assembly, and to agree to such laws and regulations as should be passed agreeably to his

**In the preceding session, and upon the annexation of Cape Breton to the province of Nova Scotia, and the return of Mr. Kavanagh, as a member for that island, a bill was unanimously passed by the house of assembly there to dispense with certain parts of the state oaths in favour of such catholic representatives as should be elected by any of the counties of the province, but which was not agreed to by the legislative council, who, in their message on the subject, stated that "although they concurred in opinion with the house of assembly, that the admission of persons professing the Roman Catholic religion in the legislature would not be attended with any evil consequences, but would, on the contrary, tend to preserve the harmony which now so happily prevailed among His Majesty's subjects of all religious denominations," yet they were apprehensive that His Majesty might not think it decorous in the legislature to pass a general act, in violation of His Majesty's instructions, without any previous communication with His Majesty's government.*